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10/073,150	02/13/2002	Yasushi Yamade	325772027900	5457
7590	11/27/2007			EXAMINER STRANGE, AARON N
Barry E. Bretschneider Morrison & Foerster LLP 2000 Pennsylvania Ave., N.W. Washington, DC 20006-1888			ART UNIT 2153	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

Application Number: 10/073,150  
Filing Date: February 13, 2002  
Appellant(s): YAMADE, YASUSHI

**NOV 26 2007**

**Technology Center 2100**

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Deborah S. Gladstein  
Reg. No. 43,636  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/30/07 appealing from the Office action  
mailed 5/22/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Kakimoto	US 6,775,688	Aug. 10, 2004 (filed Apr. 7, 2000)
Ramaley	US 6,687,741	Feb. 3, 2004 (filed May 24, 2000)

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakimoto (US 6,775,688) and Ramaley (US 6,687,741).

Regarding claims 1, 6, and 9, Kakimoto discloses a method for use with a data transmission device, comprising the following steps of:

- receiving an instruction (Data Distribution Method Figure 5, Component 47) to designate for each destination (for multiple destinations see Figure 4) one of a first transmission mode in which a file is sent attached to an e-mail message ("real data" Col 2, lines 12-17 or Col 8, lines 23-28), a second transmission mode in which a file is sent to a file transfer server ("link data" Col 2, lines 8-11 or Col 8, lines 23-28) and a mixed transmission mode in which a file is sent to a file transfer server and an e-mail message having a

text string including address information of the file transfer server is sent (Link data transfer Col 2, lines 4-7 or Col 8, lines 23-28) (also refer to Figure 6A);

- the transmitting unit executes the mixed transmission mode in which an e-mail message have a text string including address information of the file transfer server designated in the second mode is sent to the destination designated for the first mode, where no file is attached to the e-mail, and a file designated for the second mode is sent to the file transfer server (see Figure 6A, when the traffic load is heavy, S527, the system distributes the data as link data instead of an email attachment);

While Kakimoto discloses the invention substantially as claimed, including replacing the email attachment transmission mode (Applicant's claimed first mode) with a file upload and link transmission mode (Applicant's claimed mixed mode) when the traffic load is heavy, Kakimoto failed to specifically recite replacing the first transmission mode with the mixed transmission mode when it is determined that the multiple destinations include those for which the first and second transmission modes are designated.

Ramaley discloses a similar system for sending files using various modes of transmission, e.g. e-mail attachment, to a file transfer server (shared disk location), and to a file transfer server and as a link in an email (Col 7, line 30 – Col 8, line 17). Ramaley teaches that when a user selects to send a file as an attachment and also elects to save the file to a file transfer server, the system automatically sends the file

using a link in an email as opposed to an email attachment (Col 7, line 30 – Col 8, line 17, esp. Col 8, line 10-14), where the system checks to see if the user uploads the file to a shared disk, and sends all shared files a links by default). This would have been an advantageous addition to the system disclosed by Kakimoto since it would have permitted the recipient to access the shared file even after it had been subsequently modified by the sender, and would have provided greater levels of data concurrency (Ramaley; Col 5, line 64 – Col 6, line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send files in email link mode when the file is selected to be sent via email attachment and simultaneously uploaded to a file transfer server, so that the recipient is able to access the shared file even after it has been subsequently modified by the sender and therefore provide greater levels of data concurrency.

Regarding claim 2, Kakimoto discloses data generating means for generating image data, and wherein the file to be sent comprises the image data generated by the data generating means (Col 7, lines 1-4 and Figure 6A Convert to distributable data form).

Regarding claim 3, Kakimoto discloses an image reader for reading an image of an original document and outputting image data, and wherein the file to be sent comprises the image data output by the image reader (Col 7, lines 1-4 and Figure 6A Convert to distributable data form).

Regarding claims 4, 7, and 10, Kakimoto discloses the file transfer server address information includes an address of the server and a name of the folder in which the file is to be stored (Data Location, Figure 8 and Col 10, line 66 – Col 11, line 17). Further Ramaley disclosed that the file transfer server is an FTP server (Col 7, lines 63-65).

Regarding claims 5, 8, and 11, Kakimoto fails to specifically recite that the text string of the e-mail message in the third transmission mode includes a user ID and password for authentication purposes. However Kakimoto disclose the file transfer server has an access authority authentication function (Col 12, lines 52-56). Further it was well known in the art at the time of the invention to use a user ID and password for authentication purposes. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a user ID and password within the text string of the e-mail message (link data in Kakimoto) in order to provide a user access to the secure file server.

#### **(10) Response to Argument**

Regarding claims 1-11, of which 1, 6 and 9 are independent, Appellant only presents arguments directed to these independent claims collectively. Accordingly, the Examiner will address claim 1 as representative of all claims on appeal.

The various points raised by Appellant are summarized below, and each point is addressed individually by the Examiner.

Regarding claim 1, Appellant relies on one principal argument:

**Appellants argues that the Examiner has mischaracterized Ramaley (Br. 8),** since Ramaley does not discuss multi-destination delivery, but rather determines the way in which the file is to be delivered to a recipient (Br. 7).

**In reply,** the Examiner respectfully disagrees with Appellant. Ramaley does teach multi-destination delivery, and also teaches replacing a first mode of transmission (sending file as an attachment) with a third mode of transmission (transmitting a link to file's location in shared storage) when a file is sent to multiple destinations using different transmission modes.

Ramaley teaches multiple-destination delivery of files via a network. In particular, Ramaley teaches that a user may initiate a "send" operation to transmit a file to a user (col. 7, ll. 32-36). During processing of a send command, a user may save the file in a shared drive, such as an FTP server (col. 7, ll. 48-65) (equivalent to the second transmission mode "in which a file is sent to a file transfer server"). As an alternative to saving the file in a shared location, the user may send the file to a recipient as an e-mail attachment (col. 7, ll. 42-45) (equivalent to the first transmission mode "in which a file is sent attached to an e-mail message"). However, if the file is saved to a shared location, the system will, by default, send the file as a link rather than as an attachment (col. 8, ll. 1-14) (equivalent to the third transmission mode "in which a file is sent to the file transfer

server and an e-mail message having a text string including address information of the file transfer server is sent").

In summary, in the embodiment of Ramaley relied upon by the Examiner, a file will be sent as an attachment unless it is also saved in a shared location (col. 7, ll. 42-47), and will, by default, be sent as a link when the file is also saved in a shared location (col. 8, ll. 10-14). Therefore, Ramaley teaches multi-destination (shared location such as an FTP server & a recipient of an email with a link to the file server) delivery. Both the file server and the recipient (by way of the email link) receive the file, as claimed.

It is noted that Appellant has presented no arguments directed to the Examiner's mapping of Kakimoto to the limitations of claim 1 or the rationale set forth by the Examiner for combining Kakimoto with Ramaley. Accordingly, the Examiner has not addressed these issues beyond the discussion presented in the grounds of rejection section, above.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

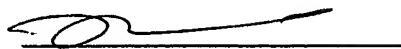
Respectfully submitted,

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11/20/07



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